

## REMARKS

Applicant respectfully requests reconsideration of this application. Claims 1-26 are pending. No claims have been canceled. Claims 1, 3, 9, 13, 15, 18, 20, 23, and 26 have been amended without introducing any new matter. No new claims have been added.

### **Rejections Under 35 U.S.C. § 102(b)**

Claims 1, 3-5, 13, 16-18 and 21-22 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,551,536 A, of Li et al. (“Li”). Applicants respectfully traverse the rejection.

Claim 1 as amended sets forth:

putting an *identification* into the first optical signal to send with the first optical signal to the WSM.

(Claim 1 as amended; emphasis added)

In contrast, Li fails to disclose at least the above limitation. According to Li, a station periodically sends light pulses once either the up-link or down-link fails (Li, col. 3, ln. 58-62). Such periodic pulsing of light is used by the transmitter to bring back a link (either the up-link or the down-link) that has failed (Li, col. 3, ln. 30-31). Li does not disclose that such periodic pulsing of light is an identification, nor does Li suggest to identify anything using such periodic pulsing of light. Therefore, Li does not disclose putting an *identification* into the first optical signal to send with the first optical signal to the WSM. For at least this reason, Li fails to anticipate claim 1. Withdrawal of the rejection is respectfully requested.

Furthermore, one of ordinary skill in the art would not have been motivated to modify Li to put an identification in the optical signal transmitted between the station and the star coupler 204 because there is no need for any identification in Li. The set of up-link 206 and down-link 207 in Li connects only one station to the star coupler 204. As such, optical signals transmitted on the up-link 206 and the down-link 207 must be from the station or destined to the station, respectively. Thus, there is no need to put an identification in the optical signal transmitted via the up-link 206 or the down-link 207 in Li. For at least this reason, one of ordinary skill in the art would not have been motivated to modify Li to put an identification in the optical signal. Therefore, claim 1 as amended is patentable over Li.

For the reason discussed above with respect to claim 1, claims 13 and 18 are not anticipated by Li. Claims 3-5, 16-17, and 21-22 depend, directly or indirectly, from claims 1, 13, and 18, respectively. Therefore, claims 3-5, 16-17, and 21-22 are not anticipated by Li. Withdrawal of the rejection is respectfully requested.

#### **Rejections Under 35 U.S.C. § 103(a)**

Claims 6-8 and 23-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Li in view of U.S. Patent No. 6,417,944 B1, of Lahat et al. (“Lahat”). Applicant respectfully traverses the rejection.

Claims 6-8 depend from claim 1, and thus, include all limitations from claim 1. For the reason discussed above with respect to claim 1, Li fails to disclose putting an identification into the first optical signal to send with the first optical signal to the WSM. Moreover, the other reference, Lahat, does not even mention any identification in its disclosure. Thus, Li and Lahat, alone or in combination, fail to disclose every limitation set

forth in claims 6-8. For at least this reason, claims 6-8 are patentable over Li in view of Lahat. Withdrawal of the rejection is respectfully requested.

Independent claim 23 sets forth:

causing a processor to look up a wavelength designated to the channel; and  
checking whether the optical transceiver is at the wavelength designated to the channel.

(Claim 23)

The Office Action admitted that Li fails to disclose the above limitation. However, the Office Action argued that one of ordinary skill in the art would have been motivated to modify Li with Lahat to arrive at the invention as claimed. Assuming *arguendo* that Lahat teaches causing a processor to look up a wavelength designated to the channel, one of ordinary skill in the art would not have been motivated to modify Li as suggested in the Office Action because there is no need for Li to have a wavelength designated to the bypass link 306, which are analogized to be the channel as claimed (Office Action, p. 4, lines 2-3). According to Li, the 1x2 switch either passes the either optical signal stream from the up-link 206 to the bypass link 306 (when the 1x2 switch is in bypass mode), or does not pass any signal from the up-link 206 to the bypass link 306 at all. In other words, the 1x2 switch *does not split the optical signal* from the up-link 206 and pass a portion of the optical signal to the bypass link 306. Thus, there is no need to designate a particular wavelength to the bypass 306, let alone to dynamically assign different wavelengths to the transceiver in Li as proposed. Since one of ordinary skill in the art would not have been motivated to modify Li with Lahat as proposed, claim 23 is patentable over Li in view of Lahat. Withdrawal of the rejection is respectfully requested.

Claims 24-25 depend from claim 23, and thus, are patentable over Li in view of Lahat for the reason discussed above with respect to claim 23. Withdrawal of the rejection is respectfully requested.

#### **Rejections Under 35 U.S.C. § 103(a)**

Claims 9-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lahat in view of U.S. Patent No. 6,826,368 B1, of Koren et al . (“Koren”). Applicant respectfully traverses the rejection. Claim 9 sets forth:

*in response to an interrupt from a wavelength switch module,*

identifying the wavelength switch module, and

*identifying an input port of the WSM* that receives a first optical signal from an optical transceiver.

(Claim 9 as amended; emphasis added)

In contrast, neither Lahat nor Koren, alone or in combination, discloses the above limitation. The Office Action argued that the collision in Lahat is analogous to the “interrupt” in claim 9 (Office Action, p. 5, last paragraph; Lahat, col. 9, ln. 16-22). The Office Action further argued that the designated destination output port that receives the multicast cell in Lahat is analogous to the input port of the WSM that receives a first optical signal as claimed (Office Action, p. 5, last paragraph; Lahat, col. 10, ln. 11-20). However, the designated destination output port that receives the multicast cell in Lahat is *not identified in response to the collision* in Lahat. Lahat merely discloses that the scheduler checks for a collision before sending any data. The collision is irrelevant to the scheduler’s determination of the corresponding wavelength for each destination output port. Therefore, Lahat fails to disclose in response to an interrupt from a wavelength switch module,

identifying an input port of the WSM that receives a first optical signal from an optical transceiver.

Further, Koren also fails to make up the deficiency of Lahat. Koren discloses a router determining a network location of the addressee of a message, and in turn, determining a wavelength corresponding to that network location. (Koren, col. 6, ln. 13-22) Koren does not teach in response to an interrupt from a wavelength switch module, identifying an input port of the WSM that receives a first optical signal from an optical transceiver.

Since neither Lahat nor Koren, alone or in combination, teaches every limitation set forth in claim 9, claim 9 is patentable over Lahat in view of Koren. Withdrawal of the rejection is respectfully requested.

Claims 10-11 depend from claim 9, and thus, are patentable over Lahat in view of Koren for at least the reason discussed above with respect to claim 9. Withdrawal of the rejection is respectfully requested.

#### **Rejections Under 35 U.S.C. § 103(a)**

Claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Lahat in view of Koren, as applied to claim 10 above, and further in view of U.S. Patent No. 6,369,926 B1, of Lyu et al . (“Lyu”). Applicant respectfully traverses the rejection. Claim 12 depends from claim 9, and thus includes every limitation set forth in claim 9. For the reason discussed above, neither Lahat nor Koren discloses in response to an interrupt from a wavelength switch module, identifying an input port of the WSM that receives a first optical signal from an optical transceiver. Furthermore, Lyu also fails to make up the deficiencies of Lahat and Koren. Lyu merely discloses an error detector for receiving an output electrical

signal from the wavelength locker, detecting a sum and difference of the signals, amplifying the sum and difference, dividing the difference by the sum, and generating an error signal which is used for a stabilizing feedback circuit (Lyu, col. 3, ln. 54-59). Lyu does not teach in response to an interrupt from a wavelength switch module, identifying an input port of the WSM that receives a first optical signal from an optical transceiver. Since none of Lahat, Koren, and Lyu, alone or in combination, teaches every limitation in claim 12, claim 12 is patentable over Lahat in view of Koren and Lyu. Withdrawal of the rejection is respectfully requested.

#### Rejections Under 35 U.S.C. § 103(a)

Claim 26 is rejected under 35 U.S.C. § 103(a) as being anticipated by U.S. Patent No. 7,076,163 B2, of Kinoshita et al (“Kinoshita”), in view of Li. Applicant respectfully traverses the rejection. Claim 26 as amended sets forth:

... wavelengths handled by each of said plurality of WSMs are tracked in  
*configuration information of a corresponding WSM ...*

(Claim 26 as amended; emphasis added)

In contrast, neither Kinoshita nor Li teaches the above limitation. According to Kinoshita, a network management system (NMS) 292 collects error information and analyzes the error information. Based on the analysis, the NMS 292 may take protection switch actions. After a failure is fixed, the network 200 does not require reverting. “Thus, the *open ring network configuration* does not change for protection switching” (Kinoshita, col. 15, ln.53-65). First, the “configuration” in Kinoshita is configuration of an open ring network, not configuration information of a WSM. Second, Kinoshita merely discloses that the open ring network configuration does not change for protection switching. Kinoshita does not

teach that wavelengths handled by WSMs are tracked in configuration information. Furthermore, there is no need to track anything in configuration information in Kinoshita because, as explicitly disclosed in Kinoshita, the open ring network configuration *does not change* for protection switching. Thus, one of ordinary skill in the art would not have been motivated to modify Kinoshita to have wavelengths handled by WSMs tracked in the configuration information.

Likewise, Li also fails to teach that wavelengths handled by each of said plurality of WSMs are tracked in configuration information of a corresponding WSM. Li merely shows the configuration of a particular station connected to a star coupler in an optical network (Li, Figure 2; col. 3, ln. 15-22). Li does not disclose that the station handles any particular wavelengths, let alone tracking the wavelengths handled in configuration information. Therefore, Li also fails to teach that wavelengths handled by each of said plurality of WSMs are tracked in configuration information of a corresponding WSM.

Since neither Kinoshita nor Li, alone or in combination, discloses every limitation set forth in claim 26 as amended, claim 26 as amended is patentable over Kinoshita in view of Li. Withdrawal of the rejection is respectfully requested.

#### Rejections Under 35 U.S.C. § 103(a)

Claims 2, 14, and 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Li, in view of Kinoshita. Applicant respectfully traverses the rejection. Claims 2, 14, and 19 depend from claims 1, 13, and 18 respectively, and thus, include all limitations from their respective base claims. For the reason discussed above with respect to claim 1, Li fails to disclose putting an identification into the first optical signal to send with the first optical signal to the WSM. Moreover, the other reference, Kinoshita, does not even mention any

identification in its disclosure. Thus, Li and Kinoshita, alone or in combination, fail to disclose every limitation set forth in claims 2, 14, and 19. For at least this reason, claims 2, 14, and 19 are patentable over Li in view of Kinoshita. Withdrawal of the rejection is respectfully requested.

### **Rejections Under 35 U.S.C. § 103(a)**

Claims 15 and 20 is rejected under 35 U.S.C. § 103(a) as being anticipated by Li, in view of U.S. Patent No. 6,504,969 B1, of Tsao et al (“Tsao”). Applicant respectfully traverses the rejection. Claims 15 and 20 depend from claims 13 and 18 respectively, and thus, include all limitations from their respective base claims. For the reason discussed above with respect to claim 1, Li fails to disclose putting an identification into the first optical signal to send with the first optical signal to the WSM. Moreover, one of ordinary skill in the art would not have been motivated to modify Li with Tsao to include an encoder to put an identification in the optical signal transmitted between the station and the star coupler 204 because there is no need for any identification in Li. The set of up-link 206 and down-link 207 in Li connects only one station to the star coupler 204. As such, optical signals transmitted on the up-link 206 and the down-link 207 must be from the station or destined to the station, respectively. Thus, there is no need to put an identification in the optical signal transmitted via the up-link 206 or the down-link 207 in Li. For at least this reason, one of ordinary skill in the art would not have been motivated to modify Li with Tsao to include an encoder to put an identification in the optical signal. For at least this reason, claims 15 and 20 are patentable over Li in view of Tsao. Withdrawal of the rejection is respectfully requested.

## CONCLUSION

Applicant respectfully submits that the rejections have been overcome by the amendments and the remarks, and that the pending claims are in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the pending claims be allowed.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. If any other petition is necessary for consideration of this paper, it is hereby so petitioned.

If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully submitted,

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Date: 7/18, 2007

  
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